

## REGULAR MEETING

July 10, 2000

The Regular Meeting of the Annapolis City Council was held on July 10, 2000 in the Council Chamber. Mayor Johnson called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Carter, Fox, Moyer

Staff Present: Assistant City Attorney Ruff, Planning & Zoning Director Arason

Alderman Sachs moved to approve the Minutes of June 06, 2000 and June 26, 2000. Seconded. CARRIED on voice vote.

## PETITIONS, REPORTS AND COMMUNICATIONS

C Chris Colmer, Director of Government Affairs, COMCAST gave an information briefing regarding programming changes.

C Knighton Property Development Program Objectives Committee (R-7-2000)

Chairman Ronald H. Jarashow, gave a brief presentation. Members Whitney Chellis, Donna Ware, Saunders Hillyer, Parris Lane, and Jim Martin were present and answered questions by the Council.

1. Arthur Kungle, Jr.  
8 Gentry Court, Box 365  
Annapolis, Maryland 21404

Spoke regarding public health and education of meningitis

2. Riccardo Paradiso  
10 Bricin Street  
Annapolis, Maryland 21403

Spoke in favor of R-25-00

3. Brian Cahalan  
264 King George Street  
Annapolis, Maryland 21401

Spoke in favor of R-7-00 and the preservation of Annapolis as a city for families

4. Gavin Buckley  
4 German Street  
Annapolis, Maryland 21401

Spoke in favor of Knighton Property Development Committee recommendations

5. Jim Vance  
96 East Street  
Annapolis, Maryland 21401

Spoke regarding concern for buildings on West Street

6. Jordan Peters  
Representing Annapolis Taxicab Association  
31 Riverview Avenue  
Annapolis, Maryland 21401

Spoke in favor of taxi cab fee increases

7. Stratton Simms  
120 Chesapeake Avenue  
Annapolis, Maryland 21403

Spoke regarding O-6-00

8. George Woelfel, Jr.  
703 Glendon Avenue  
Annapolis, Maryland 21403

Spoke regard trees in the City right of way on Glendon Avenue

9. Julie Stankivic  
906 Primrose Road, Apt. #4  
Annapolis, MD 21403

Spoke in favor of R-20-00

10. Gilbert Renaut  
115 Monticello Avenue  
Annapolis, Maryland 21401

Spoke in favor of R-7-00

11. Erich J. Rose  
West Street Development Committee  
63 Southgate Avenue  
Annapolis, Maryland 21401

Spoke in support of the Knighton Property Development Program Objectives Committee

12. Robert Worden  
30 Murray Avenue  
Annapolis, Maryland 21401

Spoke in support of the Knighton Property Development Program Objectives Committee

13. Arthur Greenbaum  
7 Constitution Square  
Annapolis, Maryland 21401

Spoke regarding leadership in Annapolis

14. John Hammond  
141 Monticello Avenue  
Annapolis, Maryland 21401

Wished Alderman Hammond Happy Birthday

- C Alderman Hammond moved to adopt: in general, the Knighton Committee recommendations; specifically, to move ahead with the Request for proposal (RFP) process, under the direction of the Department of Planning & Zoning for the rehabilitation/renovation of the existing buildings for small scale retail, and the private development of a new infill building on the corner; under no circumstances will the City move to Alternative II (demolition without first obtaining City Council

approval); to proceed with necessary subdivision of the Knighton property, including small alley, and pedestrian access from West Street to the garage; to move forward with the design committee for the garage, under the direction of the Department of Planning & Zoning (as stated in Resolution R-7-00 previously adopted by the City Council) in a size range of 288-432 cars, to be determined through the design process; To commence the traffic study. Seconded. CARRIED on voice vote.

## LEGISLATIVE ACTION

### ORDINANCES

**O-45-99 For the purpose of amending the zoning code to add multi-family dwellings lawfully existing on November 19, 1990 to those uses deemed conforming in the Residential Conservation Overlay District; providing that certain accessory structures in the Residential Conservation Overlay District may be attached to the principal structure by an exterior pedestrian walkway no more than five feet wide; and matters generally relating to said district.**

Alderman Gilmer moved to adopt O-45-99 on second reading. Seconded. CARRIED on voice vote.

The Planning Commission reported favorably with an amendment on O-45-99. The Rules Committee reported favorably on O-45-99 as amended by the Planning Commission.

Alderman Moyer moved to amend O-45-00 as follows:

#### **No. 1**

On Page 1, amend line 25 as follows:

"Section 21.69.020, 21.69.040 and 21.69.050";

And on that same page, line 31, add the following:

"A. The provisions of the RC district apply to new construction involving structural additions and new structures in all land as designated by this overlay in the existing underlying district, with the designation RC on the official zoning map. These provisions shall serve to supplement the underlying zoning district regulations in order to support the purpose noted in Section 21.69.010, and shall control in the event of conflict with any underlying zoning district regulation. In addition to uses permitted in the underlying zone, the following uses are permitted in the RC, residential conservation overlay district:

1. Single-family residential attached and detached dwellings and multi-family units of five or fewer units lawfully existing on November 19, 1990 shall be deemed to be conforming and may be expanded for residential use if they otherwise meet the requirements of this district and there is no increase in the number of units than existed on November 19, 1990. However, under no circumstances shall unlawful uses occupying such residences on the date of the ordinance from which this section derives as of November 19, 1990 be deemed conforming.

2. Nonresidential uses lawfully existing as of November 19, 1990, except as follows:

a. Any increase in the building bulk of these uses will require special

exception approval pursuant to Chapter 21.72.

b. Warehouse, storage and/or distribution uses and automotive service uses may apply for a special exception permit pursuant to Chapter 21.72 to become conforming provided that such special exception permit application is made while the use retains its nonconforming rights under Chapter 21.70.

B. The RC district rezoning map, scale 1" = 200', is incorporated in this section and made a part of this title. The map, together with everything shown on the map and all amendments to the map, is as much a part of this title as though fully set forth and described in this title."

## **No. 2**

On Page 1, amend lines 34 through 37 as follows:

"In addition to uses permitted in the underlying zone, single-family attached and detached dwellings, ~~multi-family dwellings units of five or fewer units~~ and other nonresidential uses lawfully existing on November 19, 1990 shall be deemed to be conforming. However, under no circumstances shall unlawful uses as of November 19, 1990 be deemed conforming."

## **No. 3**

On Page 3, strike lines 5 through 7 in their entirety:

~~"c. An accessory structure within ten feet of the principal structure may be attached to the principal structure by an exterior pedestrian walkway no more than five feet wide."~~

Seconded. CARRIED on voice vote.

The main motion as amended on second reading CARRIED on voice vote.

Alderman Sachs moved to adopt O-49-00 amended on third reading. Seconded. CARRIED on voice vote.

Mayor Johnson accepted into the record a Memorandum to the Annapolis City Council from the Planning and Zoning Commission dated 3/22/00 together with a Memorandum dated 3/2/00 from Jon Arason, Planning and Zoning Director.

**O-49-99 For the purpose of authorizing the Second Amendment to Lease dated 1/1/95 as modified by an Amendment to Lease dated November 13, 1997 with Eastport Seafood Company and Eastport LLC for certain municipal property known as the McNasby's Property, located at 723 Second Street in the City of Annapolis; and all matters relating to said Second Amendment to Lease.**

There being no voice objection O-49-00 was postponed.

**O-2-00 For the purpose of establishing a sick leave bank for employees of the City of Annapolis; and matters generally relating to said sick leave bank.**

Alderman Tolliver moved to adopt O-2-00 on second reading. Seconded.

The Rules Committee reported favorably on O-2-00.

Alderman McMillan moved to amend O-2-00 as follows:

**No. 1**

On Page 1, amend line 14 as follows:

After, "For the purpose of" strike "establishing" and add "permitting the establishment of."

Seconded. CARRIED on voice vote.

Alderman McMillan moved to amend O-2-00 as follows:

**No. 2**

On Page 1, amend line 31 as follows:

Replace "employees" with "Director of Human Resources"; replace "establish" with "propose."

Seconded. A ROLL CALL vote was taken:

YEAS:	Mayor Johnson, Aldermen Sachs, McMillan, Fox
NAYS:	Aldermen Hammond, Tolliver, Carter
ABSTAIN:	Aldermen Gilmer, Moyer
CARRIED:	4-3-2

Alderman McMillan moved to amend O-2-00 as follows:

**No. 3**

On Page 1, amend line 32 as follows:

Replace "they" with "employees."

Seconded. CARRIED on voice vote.

Alderman McMillan moved to amend O-2-00 as follows:

**No. 4**

On Page 1, amend line 34 as follows:

Replace "established, participating employees" with "proposed, the Director of Human Resources."

Seconded. CARRIED on voice vote.

Alderman McMillan moved to amend O-2-00 as follows:

**No. 5**

On Page 1, amend line 35 as follows: After ".", add:

"The civil service board shall forward the draft procedures, along with their recommendations and comments, to the city council for final approval. A fiscal impact note shall be required."

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Johnson, Aldermen Sachs, McMillan, Fox, Moyer  
NAYS: Aldermen Hammond, Tolliver, Gilmer, Carter  
CARRIED: 5-4

A ROLL CALL vote was taken on the main motion as amended, on second reading:

YEAS: Aldermen Hammond, Tolliver, Gilmer, Carter, Moyer  
NAYS: Mayor Johnson, Aldermen Sachs, McMillan, Fox  
CARRIED: 5-4

Alderman Tolliver moved to adopt O-2-00 Amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Tolliver, Gilmer, Carter  
NAYS: Mayor Johnson, Alderman Sachs, McMillan, Fox, Moyer  
DEFEATED: 4-5

**O-5-00 For the purpose of establishing a program to fund the acquisition of artwork by the City and the display of the artwork in public places throughout the City; and all matters generally relating to said program.**

Alderman Fox moved to adopt O-5-00 on second reading. Seconded.

Alderman Fox moved to substitute O-5-00 REVISED on second reading. Seconded. CARRIED on voice vote.

Alderman McMillan moved to refer O-5-00 REVISED to the finance committee. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Tolliver, Gilmer, McMillan,  
NAYS: Mayor Johnson, Aldermen Hammond, Sachs, Carter, Fox, Moyer  
DEFEATED: 3-6

Alderman McMillan moved to table O-5-00 REVISED on third reading pending receipt of a revised fiscal impact note. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Carter, Fox, Moyer  
CARRIED: 9-0

**O-8-00 For the purpose of conveying, by special warranty deed, a certain portion of the road bed of Claude Street in the City of Annapolis, to an adjacent property owner whose property is contiguous to said parcel of ground; providing for the property to be sold at private sale; providing for the conveyance, by special warranty deed, to the City of Annapolis, of certain real property fronting on Claude Street; providing for the reservation by the said property owner to the City of Annapolis of a certain utility easement; and all matters relating to said special warranty deeds and reservation of utility easement.**

Alderman Sachs moved to allow legislative action after 11:00 p.m. Seconded. CARRIED on voice vote.

Alderman Tolliver moved to adopt O-8-00 on second reading. Seconded. CARRIED on voice vote.

The Finance Committee reported favorably on O-8-00.

Alderman Tolliver moved to adopt O-8-00 on third reading. Seconded. CARRIED on voice vote.

**O-9-00 For the purpose of consenting to the assignment of a lease of a certain city-owned real estate from Silver Queen Broadcasting Corporation (hereinafter called "SQBC") to Bay Broadcasting Corporation (hereinafter called "BBC"); and all matters relating to said lease.**

Alderman Sachs moved to allow legislative action after 11:00 p.m. Seconded. CARRIED on voice vote.

The Economic Matters Committee reported favorably on O-9-00.  
The Finance Committee reported favorably on O-9 -00.

Alderman Fox moved to adopt O-9-00 on second reading. Seconded. CARRIED on voice vote.

Alderman Sachs moved to adopt O-9-00 on third reading. Seconded. CARRIED on voice vote.

**O-10-00 For the purpose of establishing that properties regarding which an Historic Preservation Commission application is filed be posted in accordance with the rules and regulations of the Historic Preservation Commission; and matters generally relating to said posting.**

Alderman Hammond moved to allow legislative action after 11:00 p.m. Seconded. CARRIED on voice vote.

The Planning Commission reported favorably on O-10-00.  
The Rules Committee reported favorably on O-10-00.

Alderman Hammond moved to adopt O-10-00 on second reading. Seconded. CARRIED on voice vote.

Alderman Hammond moved to adopt O-10-00 on third reading. Seconded. CARRIED on voice vote.

**O-22-00 For the purpose of authorizing the City Council to lease certain municipal property and to provide City services to First Night Annapolis, Inc. ("FNA"), from 8:00 a.m. December 28 to 3:00 p.m. January 1 each year for a period of five years ending January 1, 2005, for the purpose of conducting a New Year's Eve celebration subject to the terms, provisions and conditions contained in a Rental and Permit Agreement; approving the provision of City services to FNA for less than full costs; for the further purpose of approving the Rental and Permit Agreement and authorizing the Mayor to sign said Agreement; and all matters relating to said lease. (Referred to the Finance Committee and Economic Matters)**

Alderman Sachs moved to allow legislative action after 11:00 p.m. Seconded. CARRIED on voice vote.

Alderman Fox moved to adopt O-22-00 on first reading. Seconded. CARRIED on voice vote.

**O-6-00 For the purpose of amending the critical area overlay requirements of the City Code to reflect State Critical Area requirements; and all matters relating to said critical area.**

Alderman Sachs moved to allow legislative action after 11:00 p.m. Seconded. CARRIED on voice vote.

Alderman Sachs moved to adopt O-6-00 on second reading. Seconded.

The Planning Commission (meeting of 5/4/00) reported favorably with an amendment on O-6-00.

The Rules Committee withdrew their amendment dated 6/1/00 on O-6-00.

The Rules Committee (meeting of 7/6/00) reported favorably with an amendment on O-6-00.

Alderman Tolliver moved to amend O-6-00 as follows:

**No. 1**

On Page 4, after line 35 add:

A. The Department of Planning & Zoning review of the submission shall be based on the State of Maryland Buffer Exempt Area Policy dated April 5, 2000.

B. All new construction, or enlargement of any structure in the Buffer Exempt Area shall be subject to:

1. Posting of Property. At the time of submissions of plans, notice shall be posted on the property for 14 days, in a manner prescribed by the Department of Planning & Zoning.

2. Public Comment Period. During the posting period, and for 7 days thereafter, the Director of the Department of Planning & Zoning shall accept comments from the public that are relevant to the proper consideration of the submitted plans.

Seconded. CARRIED on voice vote.

Alderman Tolliver moved to amend O-6-00 as follows:

**No. 1**

On Page 4, amend lines 30 through 35 as follows:

**“Sec. 21.67.065 Buffer exemption areas.**

**”In order to accommodate limited use of shoreline areas in certain situations while protecting water quality and wildlife habitat to the extent possible; buffer exemption areas as shown on the “City of Annapolis Critical Area Map” shall be allowed in accordance with state critical area commission policy. The state critical area commission policy applies only to lots of record that existed as of December 1, 1985. However, subdivision of grandfathered parcels may be permitted if the subdivision, consolidation, or reconfiguration of the parcels will result in an overall environmental benefit. Applications for subdivision in buffer exempt areas shall be approved by the critical area commission. In no case**



shall the subdivision and the subsequent redevelopment result in a greater area of impervious surface in the buffer.”

Seconded. CARRIED on voice vote.

Alderman Moyer moved to adopt the Planning Commission findings and map of May 12, 2000. Seconded. CARRIED on voice vote.

Alderman Moyer moved to adopt O-6-00 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Fox moved to adopt O-6-00 amended on third reading. Seconded. CARRIED on voice vote.

Alderman Moyer withdrew her amendment on O-6-00 dated 3-10-00.

## RESOLUTIONS

**R-22-00 For the purpose of approving the job description for the civil service positions in the Department of Finance for Management Information Technology Manager and Management Information Technology Analyst, and in the Annapolis Police Department for Information Systems Analyst; establishing the pay grade for said job descriptions; and all matters relating to said job descriptions and pay grades.**

Alderman Hammond moved to allow legislative action after 11:00 p.m. Seconded. CARRIED on voice vote.

Alderman Gilmer moved to adopt R-22-00 on second reading. Seconded. CARRIED on voice vote.

**R-24-00 For the purpose of approving the job description for the civil service position in the Department of Public Works for Public Works Dispatcher, in the Annapolis Fire Department for Emergency Medical Services Captain, Emergency Medical Services Lieutenant, Fire Marshall Lieutenant, and in the Department of Planning and Zoning for Community Development Section Chief; establishing the pay grade for said job descriptions; and all matters relating to said job descriptions and pay grades.**

Alderman Hammond moved to allow legislative action after 11:00 p.m. Seconded. CARRIED on voice vote.

Alderman McMillan moved to adopt R-24-00 on first reading. Seconded. CARRIED on voice vote.

**R-25-00 For the purpose of designating Marsala, Italy a sister city for the City of Annapolis; and all matters relating to said sister city designation.**

Alderman Sachs moved to allow legislative action after 11:00 p.m. Seconded. CARRIED on voice vote.

Alderman McMillan moved to adopt R-25-00 on first reading. Seconded. CARRIED on voice vote.

Alderman Fox moved to suspend the rules to allow passage of the resolution at the meeting of its introduction.

Alderman Sachs moved to adopt R-25-00 on second reading. Seconded. CARRIED on voice vote.

**R-26-00 For the purpose of condemning a mindless act of racism.**

Alderman Sachs moved to allow legislative action after 11:00 p.m. Seconded. CARRIED on voice vote.

Alderman Sachs moved to adopt R-26-00 on first reading. Seconded. CARRIED on voice vote.

Alderman McMillan moved to amend R-26-00 as follows:

on line 39, add

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that a reward of \$5,000 for information leading to the arrest and conviction of the individual or group responsible for vandalizing the statue of Dr. Aris T. Allen on July 4, 2000; that the reward be advertised in local newspapers; and that funds for the reward and advertising be drawn from the City's contingency fund.

Seconded. CARRIED on voice vote.

Alderman Fox moved to adopt R-26-00 as amended, on first reading. Seconded. CARRIED on voice vote.

Alderman Sachs moved to suspend the rules to allow passage of R-26-00 at the meeting of its introduction. Seconded. CARRIED on voice vote.

Alderman Sachs moved to adopt R-26-00 amended on second reading. Seconded. CARRIED on voice vote.

## **BUSINESS AND MISCELLANEOUS**

1. Civil Service Board Hearing 7/24/00

Alderman Sachs moved to allow a business item after 11:00 p.m. Seconded. CARRIED on voice vote.

Alderman Sachs moved to adopt the summons regarding Wayne Douglas.

2. Finance Committee Recommendations for Action dated April 18, 2000

Alderman Sachs moved to allow a business item after 11:00 p.m. Seconded. CARRIED on voice vote.

Alderman moved to approve the Finance Committee Recommendations for Action dated June 15, 2000. Seconded. CARRIED on voice vote.

3. Payment of Monthly Bills

Alderman Sachs moved to allow a business item after 11:00 p.m. Seconded. CARRIED on voice vote.

Alderman Sachs moved to pay the monthly bills. Seconded. CARRIED on voice

vote.

4. Appointments

Alderman Sachs moved to allow a business item after 11:00 p.m. Seconded.  
CARRIED on voice vote.

Alderman Sachs moved to approve the Mayor's appointments of the following individuals

Board of Appeals .....	Honora W. Sutor
Civil Service Board .....	Clifton A. Johnson
Civil Service Board .....	Sherry Yaniga
Environmental Commission .....	Steve Linhard
Recreation Advisory Board .....	Christina Aist
Severn River Commission .....	Steve Linhard

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 12:13 a.m.

Deborah Heinbuch, CMC/AAE  
City Clerk